

SENATE JOURNAL

Sixtieth Legislature—First Called Session

AUSTIN, TEXAS, TUESDAY, JUNE 4, 1968

PROCEEDINGS

FIRST DAY

(Tuesday, June 4, 1968)

In obedience to the proclamation of the Honorable John Connally, Governor of the State of Texas, the Senate met in the Senate Chamber at the City of Austin, on the fourth day of June, 1968, at 12:00 o'clock M., and was called to order by the President.

Quorum Present

The President directed the Secretary to call the roll of the Senate.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

Absent—Excused

Cole Reagan

The President announced a quorum of the Senate present.

Father Charles Palms, Director of Catholic Students Center, of The University of Texas at Austin, delivered the invocation as follows:

"Almighty God, author of man's dignity, this world, and all of its gifts, we ask your blessing upon the minds of those who speak and those who listen here; that we may be enlightened to find the solutions to the problems that face our State; we ask

Your blessing also upon our hearts, that they may be free from prejudice and fear and all forms of self interest—ready for courageous action on behalf of the common good of the State of Texas. Amen."

Leaves of Absence

Senator Reagan was granted leave of absence for today on account of illness on motion of Senator Aikin.

Senator Cole was granted leave of absence for today and for the remainder of the week because of a death in the family on motion of Senator Brooks.

Presentation of Mrs. Ima Smith, the Wife of the Lieutenant Governor

On motion of Senator Aikin and by unanimous consent, Mrs. Ima Smith, the lovely and gracious wife of the President of the Senate was requested to proceed to the President's Rostrum. The Members of the Senate gave a standing ovation to Mrs. Smith and Lieutenant Governor Smith who is the nominee of the Democratic Party for Governor of the State of Texas.

Proclamation by Governor Calling Special Session

The President laid before the Senate and directed the Secretary to read the Proclamation from the Governor calling the Special Session:

PROCLAMATION

By The

Governor of the State of Texas

To All to Whom These Presents Shall Come:

1, John Connally, Governor of the State of Texas, do by virtue of authority vested in me by the Constitution of Texas, hereby call a Special Session, 60th Legislature, to be convened in the City of Austin, Texas,

commencing at twelve o'clock noon, Tuesday, the 4th day of June, A. D. 1968, for the following purposes:

1. To enact appropriations for general state services authorized under existing law.

2. To enact revenue measures necessary to meet state expenditures.

3. To consider and act on such other subjects and questions as the Governor may submit from time to time.

The Secretary of State will take notice of this action and will notify the Members of the Legislature.

Done at Austin, Texas, this 16th day of May, A. D., 1968, under the Seal of this State properly attested by the Secretary of State.

JOHN CONNALLY,
Governor

(Seal)

Attest:

Roy R. Barrera
Secretary of State

Senate Resolution 1 (Caucus Report)

Senator Aikin offered the following resolution:

Honorable Preston Smith, Lieutenant Governor, Senate of Texas, Austin, Texas.

Sir: At a caucus held in the office of the Senate attended by 24 Members of the Senate, the following recommendations were made, to wit:

The following officers were elected to serve for the First Called Session of the 60th Legislature at the will of the Senate, and at the salaries set opposite their names:

Secretary of the Senate, Charles Schnabel, \$1,250.00 per month.

Two Assistant Secretaries of the Senate, which shall be appointed by the Secretary of the Senate, \$18.00 per day.

Journal Clerk, Minnie Meier, \$22.00 per day; Assistant Journal Clerk, \$18.00 per day.

Sergeant-at-Arms, for the duration of the Special Session, Jeff Davis, \$700.00 per month.

Doorkeeper, Charles Jones, \$17.00 per day.

Chaplain, Reverend W. H. Townsend, \$14.00 per day.

Calendar Clerk, Arline Morse, \$22.00 per day.

Engrossing and Enrolling Clerk, Essie McGinnis, \$25.00 per day.

Mailing Clerk, Mrs. John Draper, \$22.00 per day.

Parliamentarian, named by the Lieutenant Governor, Mary Joe Carroll, \$30.00 per day.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name one secretary, the secretary of the Lieutenant Governor to receive \$25.00 per day and the secretary of the Secretary of the Senate to receive \$20.00 per day. The salaries of other employees of the Senate may be supplemented at the discretion of the Contingent Expense Committee. All officers and employees elected by this caucus shall hold their office or employment for the duration of the Special Session of the 60th Legislature.

It is further recommended that each Senator shall be permitted to employ a secretary and other office help at a maximum payroll of \$85.00 per day for each such Senator's secretary and employees with the maximum of \$18.00 per day for any such secretary or other office employee not to exceed \$16.00 per day. The names of such employees as are not employed directly in a Senator's office shall be referred to an assignment committee hereinafter provided for and such committee shall be authorized to select employees from such list. Salaries of other employees, unless otherwise fixed by the Senator, shall be \$12.00 per day.

It is further recommended that the Lieutenant Governor be authorized to name a committee of five, such committee shall be designated as an Assignment Committee for the purpose of assigning employees as herein authorized and the committee be authorized to select sufficient additional employees to be assigned by it when and where needed.

It is further recommended that the employees and the porters who were selected to prepare the Senate Chamber in advance of the meeting be allowed pay for their services.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant

Governor and announced in the Senate and considered by the caucus are confirmed.

The salaries of the day and night elevator operators shall be \$12.00 per day each, and the salaries of the porters shall be \$10.00 per day each, except the head porter whose salary shall be \$15.00 per day and an assistant head porter at \$13.00 per day, and the porter carrying the mail shall receive \$10.00 per day, and the salaries of the pages shall be \$7.50 per day, \$4.00 for one-half-time, and the salaries of the messengers shall be \$5.50 per day.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, Members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at eight o'clock a.m., and one o'clock p.m., each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that 1,700 Journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 Journals shall be furnished the Members of the House.

It is further recommended that the State Library be furnished 75 copies of the daily Journal.

It is further recommended that the Senate request the State Comptroller of Public Accounts, to issue general revenue warrants for pay of the Members and employees of the Senate upon presentation of the payroll account signed by the Presiding Officer and the Secretary of the Senate.

It is further recommended that each Senator, the Lieutenant Governor, the Secretary of the Senate, and Librarian be permitted to subscribe for 4 newspapers to be paid out of the contingent fund.

The elected officers of the Senate may select, subject to the approval of the Contingent Expenses Committee, employees to fill such key positions as may be authorized by said committee.

It is further recommended that the President of the Senate has exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, porters and other employees as in his judgment may be necessary.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the Chairman of the Assignment Committee aforesaid the names of the employees selected, together with his or her post office address.

Be it further resolved, That no employee of the Senate except those whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, which, when performed, he shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have the privileges of the floor during the session of the Senate shall be permitted on the Senate floor for a period of thirty minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such thirty minute period.

Respectfully submitted,

AIKIN

Chairman of the Caucus

HERRING

Secretary of the Caucus.

On motion of Senator Aikin and by unanimous consent the reading of the resolution was dispensed with and the resolution was adopted.

Motion in Writing

Senator Aikin submitted the following Motion in Writing:

Mr. President: I move that the President be authorized to appoint a committee of five (5) members to notify the Governor that the Senate is organized and ready for business.

AIKIN

The motion was read and was adopted.

The President announced the appointment of the following as a committee to notify the Governor:

Senators Herring, Blanchard, Brooks, Hall and Watson.

Motion in Writing

Senator Aikin submitted the following Motion in Writing:

Mr. President: I move that the President be authorized to appoint a committee of five (5) members to notify the House that the Senate is organized and ready for business.

AIKIN

The motion was read and was adopted.

The President announced the appointment of the following as a Committee to notify the House:

Senators Word, Jordan, Creighton, Christie and Bates.

Senate Concurrent Resolution 1

Senator Aikin offered the following resolution:

S. C. R. No. 1, Providing for a Joint Session of the two Houses to hear the Governor's first message of the 1st Called Session of the 60th Legislature.

Whereas, The Honorable John Connally, Governor of Texas, is desirous of delivering his first message of this 1st Called Session of the 60th Legislature in person; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the two Houses meet in Joint Session at 1:30 o'clock p.m. in the Hall of the House of Representatives on Tuesday, June 4th, 1968, to hear the Governor's message.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered immediately and was adopted.

Officers of the Senate

The President announced that the duly-elected officers of the Senate named in the Caucus Report for the 60th Legislature would continue in office for the First Called Session of the 60th Legislature.

House Notified

The Committee to notify the House that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Word for the Committee notified the President and the Members of the Senate that the Committee had performed the duty assigned it.

The Committee was discharged.

Governor Notified

The Committee to notify the Governor that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Herring for the Committee

notified the President and the Members of the Senate that the Committee had performed the duty assigned it.

The Committee was discharged.

Senate Notified

A Committee from the House appeared at the Bar of the Senate and Representative Finnell for the Committee announced that the House of Representatives was organized and ready to transact business.

Senate Resolution 3

Senator Aikin offered the following resolution:

Resolved, That the permanent rules of the Senate of the 60th Legislature as adopted by the Senate on January 10, 1967, and as published in the supplement of the Manual of the 60th Legislature and as amended by the 60th Legislature, be adopted as the permanent rules of the Senate of the 60th Legislature for the First Called Session.

The resolution was read and was adopted by the following vote:

Yeas—27

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Brooks	Mauzy
Christie	Patman
Connally	Ratliff
Creighton	Strong
Grover	Wade
Hall	Watson
Hardeman	Wilson
Harrington	Word
Harris	

Nays—2

Moore	Schwartz
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Absent—Excused

Cole	Reagan
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Standing Committee Appointments

The President announced the appointment of the following to the Standing Committees of the Senate to replace Senator Parkhouse (deceased):

Banking—Harris
Constitutional Amendments — Harris

Finance—Harris
Insurance—Harris
Legislative, Congressional and Judicial Districts—Harris
Oil and Gas—Harris
Public Health—Harris
Rules—Herring, Vice-Chairman
State Affairs—Harris
Transportation—Harris
Water and Conservation—Harris

Senate Concurrent Resolution 3

Senator Brooks offered the following resolution:

S. C. R. No. 3, Commending Roy Barron on his act of bravery.

Whereas, The clear-thinking, heroism, and quick action of 16-year-old Roy Barron saved the life of young Johnny Dillon of Pasadena; and

Whereas, The student at Red Bluff Elementary School walked near a guide wire at Bond Field and as he went to touch the wire, the 12-year-old boy was drawn against it by static electricity; and

Whereas, As the electricity charged through the Dillon youngster's body, the Barron youth rushed to his aid, kicked him hard twice to jar him loose from the wire; and

Whereas, After emergency hospital treatment the Dillon boy was all right and "lucky to be alive," according to the electrician who repaired the faulty wire touching the guideline; and

Whereas, Friends and neighbors in Pasadena and parents of Roy Barron are deeply proud of the young man and recognize his bravery and his willingness to "become involved" as he saved the life of another at the risk of his own safety; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That by this Resolution the 60th Texas Legislature, now convened in 1st Called Session, hereby express appreciation for the outstanding humanitarian service of Roy Barron, and that official copies of this Resolution be prepared for him and his parents, Mr. and Mrs. H. R. Barron of Pasadena, in tribute to the heroism of this young Texan.

BROOKS
JORDAN
COLE

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Christie, Connally, Creighton, Grover, Hall, Hardeman,

Harrington, Harris, Hazlewood, Herring, Hightower, Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
June 4, 1968.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 1, Providing for a Joint Session of the two Houses to hear the Governor's message to the First Called Session of the 60th Legislature.

(With amendment.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Election of President Pro Tempore for First Called Session of the Sixtieth Legislature

The President announced the election of a President Pro Tempore as the next order of business.

Senator Schwartz nominated Senator Bates of Edinburg as President Pro Tempore for the First Called Session of the Sixtieth Legislature.

Senators Blanchard, Strong, Hall, Aikin, Creighton, Harrington, Connally and Patman seconded the nomination.

There being no further nominations, the President announced the appointment of the following as Tellers to take up and count the ballots: Senators Hall, Aikin and Creighton.

The ballots were taken up and counted and the President announced that Senator Bates had received 28 votes with 1 present not voting for President Pro Tempore of the First Called Session of the Sixtieth Legislature and declared him duly elected.

Senate Concurrent Resolution 1 With House Amendment

Senator Aikin called S. C. R. No. 1 from the President's Table for consideration of the House amendment to the resolution.

The President laid the resolution and the following House amendment before the Senate:

Amend S. C. R. No. 1 by striking out the words and figures 1:30 wherever they appear and inserting in lieu therefor the words and figures 1:00 o'clock.

Senator Aikin moved the Senate concur in the House amendment. The motion prevailed.

Committee to Escort the Governor to Joint Session

On motion of Senator Aikin and by unanimous consent, the President announced the appointment of the following as a Committee to Escort Governor John Connally to the Joint Session pursuant to the provisions of S. C. R. No. 1:

Senators Aikin, Wade, Berry, Ratliff and Harrington.

Joint Session

(To hear address of Governor John Connally)

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 1:00 p.m. to hear the address of the Honorable John Connally, Governor of Texas, pursuant to the provisions of S. C. R. No. 1.

On invitation of the Speaker, the President occupied a seat on the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable John Connally, Governor of the State of Texas, accompanied by Mrs. Connally, and sons John and Mark, were announced by the Doorkeeper of the House.

The Governor's party was escorted to the Speaker's Rostrum by Senators Aikin, Wade, Berry, Ratliff and Harrington, on the part of the Senate, and Representatives Hendryx, Solo-

mon, Jamison, Santiesteban, Allen of Harris, Crews, Parker, Price, Dickson and Barton, on the part of the House.

The President called the Senate to order, and announced a quorum of the Senate present.

The Honorable Ben Barnes, Speaker of the House of Representatives, called the House to order, stated the purpose of the Joint Session and announced a quorum of the House present.

The Speaker presented His Excellency, the Honorable John Connally, Governor of the State of Texas.

Governor Connally addressed the Joint Session as follows:

To the Members of the 60th Legislature, First Called Session:

Thank you for inviting me to appear before you to outline my recommendations to finance the state government for fiscal 1969. It is with feelings mixed with pride and confidence—together with a certain amount of nostalgia—that I find myself standing here on this historic platform.

The pride and confidence is for what we, together, have accomplished here over the past five and a half years, and in what we will accomplish during these 30—or less—days immediately facing us. The feeling of nostalgia comes to me because I realize, that with the exception of my final address to the 61st Legislature next January, this is the last time I will appear before you to help you get a legislative session underway.

We can be proud of the accomplishments we have made over the past few years. Our state has come a long way, but there is still much to do. If we may pause here and reflect into the next year, I would hope that you make a special effort to work as closely with your new Governor as you have with me during these years we have toiled together.

Let me remind you that we have addressed ourselves to all the vital business to come before us during these years, and still during each session have finished our work in the prescribed time. The only other special session during my Administration—in February, 1966—was forced upon us because the Federal Court ruled the poll tax unconstitutional. And you took only 10 days to write a new

registration law. The work of this session may take more than 10 days, but your leadership has taken a significant step toward a short session by holding most of the committee hearings on appropriation requests prior to the official opening of the session. You should all be able to be home with your work behind you in plenty of time for celebration of the day of independence of this great country.

I told you in my last speech to a Joint Session of this Legislature—on April 19, 1967—that we are living in an era unparalleled in human history. This is an era when we see evidence every day of whirlwinds of change blowing strong—through every structure of our society. It was because of these times of rapid change and of fast movement that I asked you last year to abandon the long-standing practice of biennial budgets and adopt a State budget for fiscal 1968 only. You did this, and I commend you for your forthright response.

I requested this method of funding our State departments and agencies because of our experiences with biennial budgets during the past few years. In the session of 1963 we had to pass a tax bill totalling \$33 million to balance the budget, yet at the end of that biennium in 1965, we had a cash surplus of nearly \$137 million. In 1965, the 59th Legislature passed a tax measure totalling \$82.5 million to balance the budget. At the end of the 1965-1967 biennium the cash surplus was in excess of \$150 million.

Furthermore, the soundness of handling the State's budget annually is underscored when we look at the following facts and figures: Because you enacted only a one-year appropriation, we have gone through the last 12 months without the new taxes which would have been necessary had we made appropriations for two years. Not only have there been no new taxes during this year, but where it was estimated that \$193 million in new revenue would be required to meet our fiscal needs for the coming year, an expanding and dynamic economy has made it possible to reduce our requirements below those thought needed a year ago. Our new revenue demands, more accurately measured now than by earlier estimates, amount to only \$125 million.

The enactment of a tax measure of any size is a high responsibility of public office . . . a responsibility now facing this Legislature. It is

neither an easy task nor one to be taken lightly.

Tax measures are never desirable. And under the current circumstances every effort must be made to keep the size of the new revenue measure as low as possible.

Local governments all over Texas are increasing their taxes to meet rising operating costs of public schools and city and county governments. The Congress is on the verge of passing an income tax surcharge to meet the cost of the war in Vietnam, and to head off the strong and dangerous inflationary pressures in the national economy. In these circumstances, the State's response to taxing and spending has become more critical than ever. The exercise of all possible economies consistent with adequate State services is imperative.

A summary of my budget recommendations . . . and the means of raising the necessary new revenue . . . will be distributed to you. This brochure will give you all the details of my proposals, and should answer questions you may have about them.

For the 1969 fiscal year, I am recommending the expenditure from all funds of \$2.6 billion. From general revenue, I am recommending total expenditures of \$465 million.

My recommendation increases spending from general revenue—the major fund which affects taxes—by only \$20 million, less than 5 percent over the current year. In my judgment this increase, but no more, is necessary in order to finance the essential requirements of State programs and services in the 1969 fiscal year.

In the field of public education, I am proposing a budget from all funds of \$886 million. This will allow us to meet increasing enrollments in our public primary and secondary schools—provide automatic teacher pay raises for experience—continue the merit pay plan adopted by the 59th Legislature—and meet added commitments for teacher retirement.

Since I became Governor in 1963, direct expenditures for vocational and technical education have increased 400 percent. But even with these expansions, we have not been able to keep up with our manpower needs. It is my belief that the greatest results have been made in our junior colleges and technical institutes, and I am proposing \$3 million above current spending for these vital vo-

cational and technical training programs.

To meet the 24 percent enrollment increases in our public junior colleges, and to finance two new junior colleges created this year, I am recommending an increase of \$2.8 million.

In the field of higher education, we must continue to provide funds to the Coordinating Board for research and development of the master plan for our institutions of higher learning and for administering the Texas Opportunity Plan. May I direct your attention to the fact that the 22 colleges and universities received during the present fiscal year an increase of 38 percent over 1967 spending. Faculty salaries have been increased from an average of \$9,653 to \$10,333 in the same period. Because full-time student enrollment has increased by more than 14,000 this past year, I am proposing an additional \$7.7 million to meet this increase in our colleges and universities. An increase of \$2.6 million is included to begin operations of The University of Texas Medical School at San Antonio. I am recommending funds to construct and equip a veterinary medical diagnostic laboratory which you authorized in the Regular Session, and to develop a campus for the Texas Maritime Academy, both under the Texas A & M University System.

In the areas of health and welfare, I am recommending an increase of \$14 million to meet the needs of a number of vital programs. We must continue in the rewarding battle to eradicate tuberculosis in Texas. More funds must be provided to meet the costs of hospital services for crippled children. Continued emphasis must be placed on providing care and treatment, and rehabilitation of the mentally ill and mentally retarded in local communities. Additional beds for the mentally retarded should be provided at the Corpus Christi and Lubbock State Schools. Services for neglected and mistreated children through the child welfare program must be significantly increased. In addition more funds are required for the "Medicaid" program for recipients of public assistance enacted last year.

Our natural resources are unmatched anywhere in this Nation. The vast energies the State has engaged thus far to plan adequately to meet our water resource needs for the next 50 years cannot be slackened if we are to hold the initiative we have

gained. We must, furthermore, increase our ability to see that our planning bears its full fruit and that our ability to manage matches our ability to plan. A \$4.9 million budget is recommended for the Water Development Board to meet these requirements.

A vital key to the full implementation of our water resource plans is timely adjudication of water rights in the State. The Water Rights Adjudication Act, passed last year, provides the legal means for this accomplishment. We must now provide the full administrative means required.

The Water Quality Act of 1967 marked a vital step in our progress to insure that our water, now and in the future, is sufficiently pure to be used as needed. Partial organizational development of the water quality agency established by the Act has been accomplished. We should provide for the full organizational development of this agency next year. Sufficient funds should be provided to continue the orderly development of our parks and recreation areas.

One of my major concerns as your Governor has been to continue the fight against crime and to strengthen law enforcement.

There is loose in our land a philosophy alien to our way of life. Foreign to our traditions and to our concept of a free and democratic people. A philosophy of anarchy.

This is not a philosophy of freedom. It is not a philosophy of justice. It is not a philosophy of equality.

It is a philosophy of lawlessness, of violence, of destruction and chaos. And we have seen its consequences—in Watts, in Newark, in Detroit, in the Nation's Capitol.

Looting is not compensation for joblessness—it is robbery. Burning is not recompense for neglect—it is arson. And they must not be permitted.

There is no need for this violence and wantonness to occur in Texas—or anywhere else in this country. There is no place for it.

The troubles, the needs, the grievances some people have are real, and they must be attended. But they will never be served by lawlessness and destruction. They can only be served by the processes of free and democratic government where the rule of law prevails and not the violence and passions of misguided or deluded men.

The Adjutant General has request-

ed of this Legislature funds for equipment and materials for the Texas National Guard to be used in the event of civil disorder in this State and unavailability of sufficient supplies from the Federal government. I urgently recommend that you respond to this request.

The provision of some of this equipment and materials, however, cannot be delayed until the money which you appropriate becomes available in September. As a precautionary measure, I have made available, under the authority given me in Senate Bill 15, money to purchase these items for the Texas National Guard.

Last year for the first time in this decade we witnessed a decrease in the incidence of fatal highway accidents, although the number of road miles traveled continued upwards. Even though this is an important change in the trend, it is not enough and I am recommending funds for an additional 200 State highway patrolmen, plus supervisory personnel. I strongly recommend, too, that you continue the allocation of \$2 million for a State-wide driver education program established by this Legislature at Regular Session.

To enable the Liquor Control Board to more adequately enforce the liquor laws of this State, I am proposing an increase of \$1.2 million to expand the personnel, to provide more equipment and to meet operational expenses.

We have substantially reduced the turnover rate in employment in the departments and agencies of State government as a result of the pay raise granted by the Legislature last year. I urge that you provide funds for merit salary increases to reward outstanding service and job performance by our State employees.

These are most of the essential needs which I feel we must meet in the 1969 budget. We will need to raise some \$125 million to balance this budget. I believe we can obtain this revenue without unduly placing a burden on any citizen or any segment of our society.

This Legislature, in the Regular Session, adopted my recommendation to permit cities to levy a 1 percent permissive city sales tax. To date, 267 cities representing 65 percent of our population have approved a local sales tax. The revenue-raising program which I am proposing to you would, in part, call for the abolition of this tax.

This part of my revenue recommendation would:

1. increase the present 2 percent sales tax uniformly to 3 percent;
2. broaden the present sales tax base to include cigarettes and tobacco products and to include services, such as laundry and dry cleaning, barber and beauty services, repairs to tangible property, intrastate telephone and telegraph, and storage and repairs to motor vehicles;
3. abolish the permissive city sales tax and in lieu thereof distribute a portion of the 1 percent increase to all incorporated cities on a per capita basis according to the 1960 census.

This proposal will produce a net of over \$76 million for the State after the distribution is made to the cities. A completely detailed explanation of this proposal is contained in the brochure you will receive at the close of my address.

I am further recommending:

—A 1 percent increase in taxes on motor vehicle sales to bring this tax up to the same level as the general sales tax. This will produce \$30.6 million in state funds for the 1969 year.

—A realty transfer stamp tax, estimated to yield \$1 million annually.

—A one-time transfer of \$7.5 million from the Operators' and Chauffeurs' License Fund because of the accumulated balance in that fund.

But, this will still leave us short \$14.5 million needed to balance the budget.

To obtain this additional necessary revenue, I strongly urge you to adopt a strict liquor reform act and authorize, through local option election, the sale of alcoholic beverages for on-premises consumption through the miniature bottle system.

But the liquor reform law which I am recommending is much more than a revenue measure. The primary purpose of this legislation is to put the sale of alcoholic beverages in its realistic and proper perspective in 20th Century Texas Society, and I am officially including in the call of this special session the reform of the liquor laws of this State.

In 1935, the 44th Legislature met in a similar special session for the purpose of enacting a liquor law for Texas. Coming in the wake of national prohibition as the legislation did, it reflected an attitude of abstinence characteristic of the times.

But prohibition became a minority point of view. It did not reflect the will or the ways of a majority of the American people. And because of that its evils were many until it was repealed.

So it is in Texas today. Many of the over 1,300 private clubs in Texas owe their very existence to the laws of this State which attempt to impose a moral code of non-consumption upon citizens who do not subscribe to it.

For the period from July 1, 1966 through June 30, 1967, the total sales of liquor in Texas were over 11 million gallons.

As long as the people of Texas intend to consume alcoholic beverages, it is the responsibility of government to provide a realistic legal atmosphere in which consumption can be controlled and regulated and in which the law will be respected.

In urging you to pass a Liquor Reform Bill, I am asking you to create for the people of Texas the legal framework which will permit them to decide for themselves at the local level what system of liquor distribution, if any, they want as determined by a majority vote in the area.

I am asking you to enact tighter regulations and stronger penalty provisions within a legal atmosphere which will be more conducive to law enforcement.

Specifically, among other proposals made to strengthen the control and regulation of alcoholic beverages are those which:

—redefine the term "private club" to make it more difficult for an organization to qualify and operate under Private Club Permit.

—require permits, issued by the Liquor Control Board under strict regulation, for all employees selling or serving alcoholic beverages for consumption on the premises;

—increase the fees for wine and beer retail licenses;

—provide strict regulation in the issuance of a permit for and operation of an establishment selling distilled spirits for on-premise consumption, and require a fee which is large enough to discourage violation of the law at the risk of suspension or cancellation;

—increase significantly the criminal penalties on a person who sells or makes alcoholic beverages available to a minor, and for the first time make it an offense for a minor to misrepresent his age for purposes of obtain-

ing alcoholic beverages, and provide for suspension of licenses and permits for sales to minors;

—for the first time make it a specific offense to sell beer to a minor;

—for the first time make it an offense not to demand proof of age;

—provide for arrest without a warrant when a violation of the liquor law is observed by a peace officer.

The legislation I am recommending to you would not legalize the sale of a drop of alcoholic beverage in an establishment where it is not already legal to consume beverages.

Let me point out to you that a majority of Texans in the first primary just over a month ago approved the sale of mixed drinks on a local option basis. The change I am proposing is to permit the consumption of alcoholic beverages in small bottles

in the same places where one can now consume such beverages in big bottles.

If you adopt this program which I have outlined, our State budget for the next year will be in balance. And, at the same time, we will continue to make improvements in all areas of government, which I have consistently advocated since I became your Governor in 1963.

You will be facing some crucial decisions in these next few weeks, but I know you are ready to join with me in rededication to the tasks immediately facing us.

Let me express my appreciation in advance for the dedication and hard work, for the cooperative spirit with which you will pursue this task during these weeks ahead.

Thank you very much.

EXECUTIVE DEPARTMENT
Condition of Appropriations
May 31, 1968

Fund 1	Purpose	Amount of Approp.	Spent 9 Months	Balance
8-13132	Salary—Governor	\$ 40,000.00	\$ 29,999.97	\$ 10,000.03
8-13133	Lt. Gov., Acting	10,000.00	4,164.04	5,835.96
8-13134	Executive Assistant	22,500.00	16,875.00	5,625.00
8-13135	Adm. Assistants	106,500.00	58,622.35	47,877.65
8-13136	Classified Positions	359,038.00	212,302.55	146,735.45
	Sub-total, Salaries & Wages	\$ 538,038.00	\$321,963.91	\$216,074.09
8-13137	Operations (Sale of Equip. \$32.48)	97,732.48	55,913.75	41,818.73
8-13138	Memberships	100,500.00	87,590.98	12,909.02
8-13139	Council of State Govts.— National Legislative Conf... ..	40,000.00	40,000.00	—0—
8-13140	Mansion Expenses	55,598.00	28,108.20	27,489.80
8-13141	Operation of Airplane	125,000.00	32,847.20	92,152.80
8-13142	Planning Division	250,000.00	164,493.00	85,507.00
8-13143	Deficiency Grants	200,000.00	12,254.00	187,746.00
8-13144	State Office of Economic Opportunity	84,000.00	50,470.83	33,529.17
8-13145	Federal-State Relations	59,934.00	27,528.88	32,405.12
8-13146	Committee on Aging	12,748.00	3,598.45	9,149.55
8-13147	Southern Interstate Nuclear Board	10,000.00	10,000.00	—0—
	Total—Main Office	\$1,573,550.48	\$834,769.20	\$738,781.28

The Speaker of the House presented as guests of the Joint Session the "Sweetheart of all Texas," Mrs. Nellie Connally, to the Joint Session. He then presented John and Mark Connally, sons of Governor and Mrs. Connally, to the Joint Session.

The Speaker of the House also pre-

sented Mrs. Ima Smith, wife of Lieutenant Governor Smith, the Democratic Nominee for Governor of the State of Texas.

At the conclusion of the Joint Session, the President announced that the purpose of the Joint Session having been concluded, the Senate would retire to its Chamber.

In Legislative Session

The President called the Senate to Order as In Legislative Session at 1:53 o'clock p.m.

Oath of Office Administered to President Pro Tempore of First Called Session of the Sixtieth Legislature

The President announced the appointment of Senators Schwartz, Blanchard, Strong, Harrington and Connally to escort Senator Bates to the President's Rostrum.

The President then administered the Constitutional Oath of Office as President Pro Tempore for the First Called Session of the Sixtieth Legislature to Senator Bates and presented him to the Senate.

Senator Bates addressed the Senate stating his appreciation for the kind things said about him and stating that the Senate was the finest group of men and women that he has ever known. Senator Bates further stated that he would work to the best of his ability when he was called upon to act as President Pro Tempore. He then expressed the appreciation of himself and his family

for the kindness and consideration extended to them.

Senator Bates then presented his wife, Terry, and his daughters, Laura Lou and Barbara Ann, to the Members of the Senate.

Senate Resolution 4

Senator Hall offered the following resolution:

Whereas, William Black has very faithfully executed the duties of head porter; and

Whereas, The Senate has learned that William had an operation today; and

Whereas, The Texas Senate wishes to express to this faithful and dedicated employee a speedy recovery and quick return to his duties; now, therefore, be it

Resolved, That the Senate does hereby wish William Black a complete and speedy recovery.

The resolution was read and was adopted.

Adjournment

On motion of Senator Aikin the Senate at 2:04 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of Hill D. Hudson

Senator Hardeman offered the following resolution:

(Senate Resolution 2)

Whereas, With the death of Hill D. Hudson, former State Senator and longtime Pecos attorney, the State of Texas lost an outstanding leader in public affairs and the legal profession; and

Whereas, Senator Hudson was stricken with the heart attack that proved fatal during a celebration of his 67th birthday on February 8, 1968; death came on February 17; and

Whereas, He was a native of Dallas, where he was born in 1901, but moved to Pecos as a child in 1907; he was a graduate of the Pecos high school, and attended Texas Christian University and The University of Texas School of Law; and

Whereas, He began his long tenure in public office in 1926 as Winkler County Attorney, later serving as District Attorney, and then as District Judge of the 109th Judicial District; he served four years in the Texas Senate in the 51st and 52nd Legislatures, from 1949 until 1953; and

Whereas, He was a veteran of World War I and a member of the American Legion; he belonged to the Kermit Masonic Lodge No. 1258 and El Maida Shrine Temple; and

Whereas, Senator Hudson was highly respected by fellow members of the legal profession; he was a member of the State Bar of Texas and the American Bar Association; he was also a Fellow in the Texas Bar Foundation and served on the State Bar's governing body until his resignation in 1963, due to illness in his family; and

Whereas, The 60th Legislature, now convened in its First Called Session, wishes to pay tribute to this distinguished citizen who contributed so much by his leadership in jurisprudence and in State government; now, therefore, be it

Resolved by the Senate of Texas, That it express its appreciation for the outstanding life and service of Hill D. Hudson; and, be it further

Resolved, That by this Resolution the Senate of Texas extends sympathy for the great loss to the members of his family; and be it further

Resolved, That copies of this Resolution be prepared for his wife and sons, and that when the Senate adjourns this day, it do so in memory of Hill D. Hudson and that a page in the Senate Journal be set aside for this Resolution.

HARDEMAN
AIKIN

Signed—Lieutenant Governor Preston Smith; Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.

In Memory of John Nance Garner

Senator Hardeman offered the following resolution:

(Senate Concurrent Resolution 2)

Whereas, The death of Honorable John Nance Garner, just short of his 99th birthday anniversary and only slightly more than a year until he would have realized his hope of attaining the century-mark, saw the passing of a great American, a great representative of the era of "rugged individualism," a practitioner of personal and political honor and a devotee of constitutional integrity, whose life gave joy to his Creator; and

Whereas, Mr. Garner, later to become known throughout the country as "Cactus Jack," but never so addressed, was born at Blossom Prairie, Red River County, Texas, November 22, 1868, and grew up through the unconstitutional and illegal debauchery and frenzy of carpetbag reconstruction days. Upon being told that he had contracted tuberculosis he came to Uvalde in December, 1892, in search of health. He resided there until he was gathered into his fathers on November 7, 1967. His long eventful life and talents were devoted to the land which restored his health and which he was destined to serve, long and well, from the Courthouse to the Statehouse in Austin and, thence, to the Nation's Capitol, covering a period of 46 years, from which he returned to his homeland after "a life crowded with deeds and crowned with honors"; and

Whereas, His career of public service began with his appointment to serve an unexpired term as County Judge of Uvalde County, in 1895, and his subsequent candidacy therefor, which was hotly opposed by Miss Mariette Rheiner, who lived on a ranch in the Sabinal area. Miss Rheiner denounced the candidate as a poker-player and being unfit for the bench. Suffice it to say that Mr. Garner and Miss Rheiner celebrated the nuptials on November 25, 1895, and their only child, Tully, who survives, was born on September 24, 1896, and is now a retired banker of Uvalde. "Miss Ettie," as she became, and was familiarly known to her host of friends and associates, preceded her famous husband in death on August 17, 1948. Their married life coincided with Mr. Garner's membership in the State Legislature, beginning with his election thereto in 1898 and continuing for two terms. During this time he championed some remarkable losing causes, such as dividing Texas into five States so as to give the area ten United States Senators, as authorized by the Joint Resolution of the Congress of the Republic of Texas, approved June 23, 1845, giving its consent to the annexation of the Republic of Texas to the United States. Also, he earned his nickname by nominating the cactus bloom, not the bluebonnet, as the State flower. It was while a member of the State House of Representatives that he literally carved himself a district in which to run for the National Congress. He frankly admitted such and after a hard-fought and bitter election contest with then State Senator J. B. Dibrell of Seguin, who subsequently withdrew from the race in which "blood, hair and the ground was tore up." Mr. Garner entered the Congress of the United States in 1903 and was consistently re-elected without making a campaign speech for the ensuing 25 years; and

Whereas, Mr. Garner's platform included a remedy for trust-evils, then so prevalent in the areas of oil, railroading and banking; opposition to imperialism, support of irrigation for the Rio Grande Valley; the construction of the Intercoastal Canal; denunciation of both the doctrine of free raw material and Republican reciprocity and endorsement of the construction of the Panama Canal, all of which made him the hero of the hour. By dint of hard work, energy, common sense, devotion to duty and country, so ably assisted by his devoted and intelligent helpmeet, "Miss Ettie," his secretary and closest advisor, the young Representative increased his popularity among his colleagues and rose to the position of Minority Leader of the 71st Congress, then presided over by his personal friend, Speaker Nicholas Longworth, Republican, the husband of the vivacious Alice Roosevelt Longworth, daughter of "Teddy" Roosevelt, who was President of the United States when Mr. Garner entered the Congress—there to remain through the succeeding administrations of Presidents Taft, Wilson, Harding, Coolidge, Hoover and two terms of the administration of Franklin D. Roosevelt. Congressman Garner was elected Speaker of the House in the 72nd Congress in 1931, when the Democratic Party, of which he was a lifelong, loyal member, gained control, which position he retained until he was elected Vice President of the United States in 1932 to serve for eight years as the "right hand" of President Roosevelt, whom he affectionately called "Boss." Mr. Garner was the first Texan to become Vice President of the United States and lived to be the longest-lived former Vice President in the Nation's history. He also had the distinction of being the only man in the country's history ever to step on the same day from the presiding chair of the Speaker of the House to that of the Senate as its President and presiding officer when he assumed the Vice Presidency.

True to principle, he "broke" with President Roosevelt over the "third-term issue," as did his old friend and colleague, "Big Jim" Farley, Postmaster-General, and after swearing in his successor, Henry A. Wallace, he left Washington in 1941, vowing to never cross the Potomac again. He never did; and

Whereas, Through his adherence to principle, honor and integrity he became legend throughout the land. His "break" with the "Boss" included other issues such as the Court-packing Bill, the "Administration" handling of sit-down strikes--an innovation, at that time, in the labor movement--which together with the lashing out of John L. Lewis with the charge against him as being a "labor baiting, whiskey drinking, poker playing evil old man," constituted major "incidents" in Mr. Garner's life. The Lewis blast was considered by conservatives as adding luster to the Vice President's name, and so it did. Mr. Garner's unwavering devotion to duty, his patriotism and his expert knowledge of parliamentary procedure prompted President Hoover to acclaim him thusly: "John Garner knew how to play politics, and he was a master of that game. But he was a true patriot, a sound thinker and absolutely trustworthy in his engagements." The mutual admiration these great leaders had for each other was reflected in the statement of Mr. Garner when he said "I never reflected on the personal character of Herbert Hoover. I never doubted his probity or his patriotism. In many ways he was superbly equipped for the Presidency. . . . I think Herbert Hoover today is the wisest statesman on world affairs in America. He may be on domestic affairs, too"; and

Whereas, His Congressional service is replete with interesting and noteworthy accomplishments, some of which were characterized by the "salty" humor for which he became so well known. Representing as he did, the largest sheep and goat producing area in the country, he was the target of a good deal of "ribbing" by his colleagues from the manufacturing and industrial states of the North and East, particularly about his work on the tariff bills involving wool and mohair. It was on one of these occasions that Representative Payne, Republican from Pennsylvania and co-author of the Payne-Aldrich Tariff bill, arose in the House in a great forensic effort, perhaps, his greatest, to say that "this bill taxes mohair while exposing shorn sheep to the boreal blasts of free trade" as the result of Mr. Garner's handiwork. It was thus that while "The Garner goat was reviled in prose it was to be immortalized in epic doggerel," according to a Garner biographer. The learned and pompous Representative from Pennsylvania--a high tariff protectionist State for manufacturing interests--Honorable J. Hampton Moore, arose in the House and recited, with great emphasis and fervor, and with much bombast, the following verse of his own composition:

"Of all the creatures in the land,
Of pedigrees supremely grand,
There's none that do respect command,
Like Garner's goat of Texas.

"The modest sheep may browse around
From Maine way to Puget Sound
But they don't count a cent a pound
With Garner's goat of Texas.

"If you want wool, the wool is fair;
If you want hair, the wool is hair;
If you want meat, the meat is there!
That's Garner's goat of Texas.

"So while you kick the wool off sheep,
And beef and mutton make so cheap,
Protective tariff now will keep
The Garner goat of Texas.

"Browse on, thou mild-eyed ruminant
Thou are the casual nexus
That binds protection to free trade
Thou Garner goat of Texas.

"Oh, wondrous breed of Lone Star State,
Premier of wool and hair, they rate
Of 10 per cent is truly great--
Thou Garner goat of Texas.

That this occasion demanded a reply in kind was freely admitted and, as the laughter died down, Mr. Garner went to the cloakroom to prepare his reply. Soon the able and ready "Sage of Uvalde," as representative of the sheep and goat country, came forth with his "sling-shot response" to answer the Goliath of the Quaker State, in what was the shortest speech ever theretofore made in the House of Representatives when, following his recognition by the then Speaker, Champ Clark of Missouri, Mr. Garner said:

"Mr Speaker:

"Hampie Moore is a hell of a po-et
He don't know the difference between a sheep
and a go-at."

The devastation was complete and, with this brightening up of an otherwise dull and, perhaps, uninteresting debate on the tariff question, to many, a "ceremony" was held on the Capitol steps at which "ritual" newspapermen presented Mr. Garner with a flag of "The Triumphant Goat" and invested him with the title "Patron Saint of Angora"; and

Whereas, Following his return to his tree-bedecked homeland, he and Mrs. Garner began preparations for bestowing benefactions upon various projects in the area they so long had served. After the passing of Mrs. Garner in 1948, he conveyed the brick home they had built in 1921 on Park Street in Uvalde to the City as a museum in memory of his beloved "Ettie" where today are housed innumerable mementos of their happy and productive years together, including the first Vice President's flag ever used, it having been designed for him by Franklin D. Roosevelt. With education of particular interest to the Garners, he was to make Southwest Texas Junior College, located in Uvalde, his special beneficiary with gifts totaling well over \$1,000,000.00 in cash and good securities. Other philanthropies were many, but little publicized as he would have it; and

Whereas, Mr. Garner spent his last years in the quiet of a small house, just to the rear of the "Ettie Garner Museum," amid the beauty of stately live oak and prolific pecan trees, flowers and shrubbery surrounding it where he enjoyed the fellowship and visitations with his family, friends and high-ranking officials and politicians who came to pay their respects and seek his advice. There in an atmosphere of serenity, with a life characterized by splendid manhood, he walked in the sunlight and let the shadows fall behind him. Mr. Garner was free from bitterness toward his fellowman and was "blind alike to the good qualities of his friends and to the bad qualities of his enemies" and, as was said of Elder Statesman Benjamin Franklin, "He represents the nobility of Nature, not perfection"; and

Whereas, It is the desire of the Senate of Texas, the House of Representatives concurring, to recognize the life and achievements of Honorable John Nance Garner and to express their sympathy to the surviving members of Mr. Garner's family; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That they do hereby recognize the life and achievements of Honorable John Nance Garner and do hereby express their sympathy to the surviving members of Mr. Garner's family, namely, his son, Honorable Tully Garner of Uvalde, his granddaughter, Mrs. John (Genevieve) Currie and his great-grandchildren, John Currie, Tully Currie and Ginger Currie, all of Amarillo; and be it further

Resolved, That copies of this Resolution, under the Seal of the Senate, be forwarded by the Secretary of the Senate to each of the members of the surviving family and to the "Ettie Garner Museum"; the City Council of the City of Uvalde; the Commissioner's Court of Uvalde County; Southwest Texas Junior College; Uvalde High School; Uvalde County Historical Survey Committee; First State Bank; Chamber of Commerce; News-Leader; and the Uvalde County Bar Association, all of Uvalde, Texas, to the Speaker of the United States House of Representatives and to the Vice President of the United States, in recognition of the outstanding contributions to the area, his State and his country, by Mr. Garner, who was true to the people and faithful to every trust, and that a page in the Journal of each House be set apart for this Resolution and that when each House adjourns today, it do so in memory of Honorable John Nance Garner.

HARDEMAN

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.